

## Assembly Bill No. 2064

### CHAPTER 577

An act to amend Section 8610.5 of the Government Code, relating to nuclear radiation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1996. Filed  
with Secretary of State September 17, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2064, Bordonaro. Emergencies: nuclear radiation.

Existing law authorizes the expenditure of specified funds in the Nuclear Planning Assessment Special Account, upon appropriation by the Legislature, for purposes of the Radiation Protection Act of 1993, as specified. Under existing law the amounts available for reimbursement of state and local costs are cumulative biennially, as specified.

This bill would specify the availability of any unexpended funds for specified fiscal years for the San Onofre and Diablo Canyon sites.

The bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8610.5 of the Government Code is amended to read:

8610.5. (a) It is the intent of the Legislature that state and local costs which are not reimbursed by federal funds shall be borne by utilities operating nuclear powerplants with a generating capacity of 50 megawatts or more. The Public Utilities Commission shall develop and transmit to the Office of Emergency Services an equitable method of assessing the utilities operating the powerplants for their reasonable pro rata share of state agency costs. Each local government involved shall submit a statement of its costs, as required, to the Office of Emergency Services. Upon each utility's notification by the Office of Emergency Services, from time to time, of the amount of its share of the actual or anticipated state and local agency costs, the utility shall pay this amount to the Controller for deposit in the Nuclear Planning Assessment Special Account, which is hereby created in the General Fund for allocation by the Controller, upon appropriation by the Legislature, to carry out activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code. The Controller shall pay from this account the state and local

costs relative to carrying out this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, upon certification thereof by the Office of Emergency Services.

(b) (1) The total annual reimbursement of state costs from the utilities operating the nuclear powerplants within the state for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, shall not exceed the lesser of the actual costs or the maximum funding levels, previously established by Section 1 of Chapter 1607 of the Statutes of 1988 as of December 31, 1993, subject to subdivisions (d), (e), (f), and (g), to be shared equally among the utilities.

(2) Of the initial amount of five hundred eighty-five thousand dollars (\$585,000) for state costs, as determined in paragraph (1), for the period from January 1, 1994, to June 30, 1994, inclusive, the sum of three hundred fifty thousand five hundred dollars (\$350,500) shall be in support of the Office of Emergency Services for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, and the sum of two hundred thirty-four thousand five hundred dollars (\$234,500) shall be in support of the State Department of Health Services for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code.

(3) Of the initial annual amount of one million two hundred seventeen thousand dollars (\$1,217,000) for state costs, as determined in paragraph (1), for the 1994-95 fiscal year, the sum of seven hundred twenty-nine thousand dollars (\$729,000) shall be in support of the Office of Emergency Services for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, and the sum of four hundred eighty-eight thousand dollars (\$488,000) shall be in support of the State Department of Health Services for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code.

(c) (1) The total reimbursement for the period from January 1, 1994, to June 30, 1994, inclusive of local costs from the utilities shall not exceed the lesser of the actual costs or the maximum funding levels, on a site basis, previously established on a per reactor basis by Section 1 of Chapter 1607 of the Statutes of 1988 as of December 31, 1993, in support of activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code. The maximum initial annual amount available for reimbursement of local costs, subject to subdivisions (d), (e), (f), and (g) of this section shall be three hundred twelve thousand dollars (\$312,000) for the Diablo Canyon site and four

hundred sixty-eight thousand dollars (\$468,000) for the San Onofre site.

(2) The total annual fiscal year reimbursement commencing July 1, 1994, of local costs from the utilities shall not exceed the lesser of the actual costs or the maximum funding levels, on a site basis, previously established on a per reactor basis by Section 1 of Chapter 1607 of the Statutes of 1988, in support of activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code. The maximum initial annual amount available for reimbursement of local costs, subject to subdivisions (d), (e), (f), and (g) of this section, shall be seven hundred thousand dollars (\$700,000) for the Diablo Canyon site and nine hundred seventy-four thousand dollars (\$974,000) for the San Onofre site.

(3) The amounts paid by the utilities under this section shall be allowed for ratemaking purposes by the Public Utilities Commission.

(d) The amounts available for reimbursement of state and local costs as specified in this section shall be adjusted each fiscal year by the percentage increase in the California Consumer Price Index of the previous calendar year.

(e) Through the date specified in subdivision (g), the amounts available for reimbursement of state and local costs as specified in this section shall be cumulative biennially. For the San Onofre site, any unexpended funds from the 1994–95 fiscal year shall be carried over to the 1995–96 fiscal year, and any unexpended funds from the 1996–97 fiscal year shall be carried over to the 1997–98 fiscal year. For the Diablo Canyon site, any unexpended funds from the 1995–96 fiscal year shall be carried over to the 1996–97 fiscal year and, any unexpended funds from the 1997–98 fiscal year shall be carried over to the 1998–99 fiscal year.

(f) For the Diablo Canyon site, beginning July 1, 1996, the maximum annual amount for reimbursement of local costs determined pursuant to subdivision (d) shall be increased by an additional seventy-five thousand dollars (\$75,000).

(g) This section shall become inoperative on July 1, 1999, and, as of January 1, 2000, is repealed, unless a later enacted statute, which becomes effective on or before July 1, 1999, deletes or extends the dates on which it becomes inoperative and is repealed.

(h) Upon inoperation of this section, any amounts remaining in the special account shall be refunded pro rata to the utilities contributing thereto.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the availability of adequate funds to meet any costs that may be incurred for nuclear powerplant accidents at the

San Onofre and Diablo Canyon sites at the earliest possible time, it is necessary that this act take effect immediately.

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